

treasury into which such excess was paid, reimbursing such payor of such excess payment together with interest actually earned thereon.

SECTION 4. This act shall take effect upon passage and publication.

Approved May 20, 1925.

No. 224, S.]

[Published May 23, 1925.

CHAPTER 172.

AN ACT to amend subsection (1) of section 324.13 (4041b) of the statutes, relating to allowances for costs and expenses in contests concerning wills and trust estates.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 324.13 (4041b) of the statutes is amended to read: (324.13) (4041b) (1) Any court of record, in contests therein, upon application for the probate of any will, *or in relation to any trust created therein, or for the allowance or approval of any account by law required to be made or filed by an executor or trustee*, in its discretion, may, *if it shall deem such contest to have been necessary or meritorious*, allow to the proponent of such will *or to the successful contestant in such proceedings* a reasonable attorney's fee to be paid out of the estate of the decedent; and *in case of appeal* may also in its discretion, allow to the *proponent if successful or to such contestant if finally successful on appeal* * * * a reasonable attorney's fee *for services on such appeal to be paid* out of said estate * * * .

SECTION 2. This act shall take effect upon passage and publication.

Approved May 20, 1925.